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FOIA

MEMORANDUM FOR: Office of Legislative Counsel
FROM: Michael J. Malanick
Acting Deputy Director for Administration
SUBJECT: Amendments to the Freedom of Information Act
REFERENCE: OLC 775748, Same Subject, dtd 30 Dec 77

1. In addition to the suggested legislative modifications (Tab A) that were considered in preparation for the Administrative Practices and Procedures Subcommittee of the Senate Judiciary Committee hearing in September, one major exemption for the Intelligence Community should be considered. It is requested that Congress consider revisions to the Freedom of Information Act that would exempt intelligence organizations from a review and release of documents involved in the collection of intelligence and other covert operations and place the effort on search, review and release of the analysis product. It was the intent of Congress that the Freedom of Information Act would provide enlightenment of the public regarding the activities of the federal government. However, experience to date has shown that most worthwhile documents involve sources and methods, are sensitive or classified and must be denied or sanitized in a manner which may result in a very incomplete or distorted release of information to the public. Further, raw intelligence reports do not necessarily represent an accurate evaluation of the subject. The CIA product from a FOIA request often only provides the requester with a few pieces to a puzzle or information that is misleading or may not reflect the true CIA evaluation of the material. Because of the nature of FOIA, as a matter of policy, we have avoided editorializing on the value of the information released through this channel.

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